

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ANYWHERECOMMERCE, INC. and
BBPOS LIMITED,**

Plaintiffs,

v.

**INGENICO INC., INGENICO CORP.,
and INGENICO GROUP SA,**

Defendants.

Civil Docket No: 1:19-cv-11457-IT

**STIPULATION AND ~~PROPOSED~~ ORDER REGARDING DISCOVERY REQUESTS
SERVED BY DEFENDANTS**

By agreement of Plaintiffs AnywhereCommerce, Inc. and BBPOS Limited (collectively, “Plaintiffs”), as well as Defendants Ingenico Inc., Ingenico Corp., and Ingenico Group SA (collectively, “Defendants”), and the Court having reviewed the terms of this Stipulation and Order, and having found the following:

1. On February 12, 2020, Defendant Ingenico Corp. served its First Set of Requests for Production of Documents to BBPOS Limited and its First Set of Requests for Production of Documents to AnywhereCommerce, Inc. (together, the “Ingenico Corp. Requests”);
2. On February 27, 2020, Defendant Ingenico Inc. served its First Set of Requests for Production of Documents to BBPOS Limited and, on March 16, 2020, Defendant Ingenico Inc. served its First Set of Requests for Production of Documents to AnywhereCommerce, Inc. (together, the “Ingenico Inc. Requests”);
3. By letter, dated and served on March 27, 2020, Plaintiffs objected to the Ingenico Inc. Requests pursuant to Local Rule 26.1(c) (the “Objection”);

4. On April 28, 2020, the Court held a conference at the request of Defendants with respect to the Objection;

5. Upon the conclusion of the conference, the Court permitted Plaintiffs to file a motion with respect to their Objection no later than May 5, 2020 and Defendants to respond to such motion no later than May 12, 2020; and

6. Good cause exists for entry of this Stipulation and Order to prevent the unnecessary expenditure of the parties' and the Court's resources and to promote the efficient progression of discovery;

IT IS HEREBY ORDERED THAT:

1. The Objection has been withdrawn;
2. The Ingenico Inc. Requests will be deemed served on the date of entry of this Stipulation and Order;
3. Plaintiffs shall have thirty (30) days from the date of entry of this Stipulation and Order to respond to the Ingenico Inc. Requests, including with objections other than the withdrawn Objection;
4. Defendants have met their limit with respect to the number of sets of Requests for Production that may be served pursuant to Local Rule 26.1(c) and, in accordance with Local Rule 26.1(c), may not propound any additional sets of Requests for Production "[u]nless the judicial officer orders otherwise"; and

5. Subject to the terms of the ESI Protocol and any other stipulations by the parties, the ESI search parameters agreed to by the parties are intended to locate documents with regard to both Plaintiffs' claims and to Ingenico Inc.'s counterclaims, and no revisions shall be made thereto on account of the Ingenico Inc. Requests.

Dated: 5/6/2020

Indira Talwani
JUDGE INDIRA TALWANI

INGENICO INC., INGENICO CORP., and
INGENICO GROUP S.A.

By their attorneys,

/s/ Nicole J. Benjamin

JOHN A. TARANTINO (BBO #492230)
PATRICIA K. ROCHA (BBO #542348)
NICOLE J. BENJAMIN (BBO #666959)
WILLIAM K. WRAY, JR. (#689037)
Adler Pollock & Sheehan P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903
Tel: (401) 274-7200
Fax: (401) 351-4607
jtarantino@apslaw.com
procha@apslaw.com
nbenjamin@apslaw.com
wwray@apslaw.com

ANYWHERECOMMERCE, INC.
and BBPOS LIMITED,

By their attorneys,

/s/ Daniel Carmeli

MELISSA A. BOZEMAN
OLIVER D. GRIFFIN
PETER N. KESSLER
Kutak Rock LLP
1760 Market Street, Suite 1100
Philadelphia, PA 19103
Tel: (215) 288-4384
Fax: (215) 981-0719
Melissa.bozeman@kutakrock.com
Oliver.griffin@kutakrock.com
Peter.kessler@kutakrock.com

DANIEL CARMELI
Kutak Rock LLP
1801 California Street, Suite 3000
Denver, Colorado 80202
Tel: (303) 297-2400
Fax: (303) 292-7799
Daniel.carmeli@kutakrock.com

JONATHON D. FRIEDMANN
ROBERT P. RUDOLPH
Rudolph Friedmann LLP
92 State Street
Boston, MA 02109
Tel: (617) 723-7700
Fax: (617) 227-0313
jfriedmann@rflawyers.com
rrudolph@rflawyers.com

RICARDO G. CEDILLO
Davis, Cedillo & Mendoza, Inc.
755 E. Mulberry Ave., Ste 500
San Antonio, Texas 78212
Tel: (210) 822-6666
Fax: (210) 822-1151
rcedillo@lawdcm.com